

[COMMITTEE PRINT]

FEDERAL DATA BANKS AND
CONSTITUTIONAL RIGHTS

A STUDY OF DATA SYSTEMS ON INDIVIDUALS MAINTAINED
BY AGENCIES OF THE UNITED STATES GOVERNMENT

NINETY-THIRD CONGRESS

SECOND SESSION

PREPARED BY THE STAFF OF THE
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

AS PART III OF
THE SUBCOMMITTEE'S STUDY OF
FEDERAL DATA BANKS, COMPUTERS, AND
THE BILL OF RIGHTS

Volume 5



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FEDERAL COMMUNICATIONS COMMISSION

Subcommittee Analysis

The Federal Communications Commission response states that it maintains twelve data banks which contain personal information.

I. Index

Title	Description: (1) Purpose; (2) Contents	Subjects
A. Personnel inventory master file (computerized)	(1) To increase "the efficiency of the Commission's personnel management and to make basic personnel information more readily available." (2) Name, address, date of birth, date of service with the FCC, pay plan and occupation code, current grade level and assignment within the Commission, basic educational background, previous work experience, awards, and training.	1,550 "current employees of the FCC."
B. Payroll master record (computerized)	(1) To maintain "accurate, up-to-date, readily available information on individual and gross payroll accounts of the Commission." (2) "Basic payroll information."	Approximately 1,600.
C. Political broadcasting by candidates (computerized)	(1) "To facilitate the Commission's regulatory authority over political broadcasting as set out in sec. 315 of the Communications Act and in the Federal Election Campaign Act of 1971." (2) "Amount spent by each candidate at each station for broadcast time as well as the amount of time that was made available without charge."	All Presidential, congressional, gubernatorial, and lieutenant gubernatorial races, including primaries.
D. Broadcast individual ownership master file (computerized)	(1) "To determine if licenses are operating in compliance with provisions of the act, Commission regulation(s), and Commission policies with regard to broadcast station ownership." (2) "Information is limited to interests in broadcast stations and includes such information as extent of stockholdings, type of stock, par or stated value, whether officer, director, or trustee, and relationship among stockholders."	All persons having ownership interests in television and radio broadcast stations.
E. Broadcast financial data (computerized)	(1) "Established in furtherance of the Commission's statutory responsibility under sec. 308(b) of the Communications Act to consider financial qualifications in modifying and renewing licenses and under its more general obligation under sec. 307(d) to renew a license only upon a finding that the public interest will be served thereby." (2) "Financial information on networks and broadcast stations."	NG.
F. Broadcast station list (computerized)	(1) To facilitate recordkeeping and to provide rapid access to basic data on broadcast licenses. (2) Information supplied by applicants for new licenses and renewal of licenses for radio and television (specific contents of data bank were not indicated in agency's response).	26,500 applicants for new licenses and renewal of licenses.
G. Aviation radio service list (computerized)	(1) To review application. (2) Not clear; at least name and number of aircraft.	155,520.
H. Restricted and commercial operator permits (computerized)	(1) Application for radio operator license. (2) Name, serial number, end date of grant.	NG.
I. Amateur radio service (computerized)	(1) Application. (2) Identification of applicant, and vessel data.	274,585.

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Title	Description: (1) Purpose; (2) Contents	Subjects
J. Marine radio service (computerized).....	(1) Applications..... (2) Identification of applicant and partners end station information.	891,638.
K. Citizens radio service list (computerized)...	(1) For efficient recordkeeping; to update records as licensees are added and removed; to provide mailing lists for Commission notices and orders; and for statistical and planning purposes. (2) Name, address, and assigned call numbers.	891,638.
L. FCC checklist (computerized).....	(1) To assist "the Commission in carrying out its statutory responsibilities under title III of the Communications Act to consider the qualifications of applicants for licenses and grant only those which serve the public interest." (2) Name, address, date of birth, and a code indicating why their name appears on the list.	12,000.

II. Nature of Material Submitted

The FCC's initial response to the subcommittee's inquiry was incomplete and further information was requested. A second response was generally comprehensive with the exception of information concerning security precautions which was omitted entirely.

III. Comments:

A. Statutory Authority

The information on statutory authority is presented below in Table 1.

TABLE 1.--STATUTORY AUTHORITY

Data bank	Type of statutory authority	Reason for classification
A. Personnel Inventory master file.....	Derivative.....	Information which has been extracted from the official personnel folders, which are maintained by the U.S. Civil Service Commission pursuant to Executive Order 10561, Sept. 13, 1954, 19 F.R. 5963.
B. Payroll master record.....	do.....	Although no statutory authority was cited, the establishment of this bank is necessary to the efficient administration of the Commission.
C. Political broadcasting by candidates.....	Implied.....	Implicit in the FCC's regulatory authority over political broadcasting as set forth in sec. 315 of the Communications Act and in the Federal Election Campaign Act of 1971.
D. Broadcast individual ownership master file.....	Derivative.....	Necessary to implement sec. 307(b) of the Communications Act requiring the Commission to consider ownership qualifications of applicants for licenses or renewals thereof and sec. 310, which imposes limitations on alien ownership interests.
E. Broadcast financial data.....	Implied.....	Implicit in the FCC's statutory authority under sec. 308(b) to consider financial qualifications in modifying and renewing licenses and sec. 307(d) to renew a license only upon a finding that the public interest will be served thereby.
F. Broadcast station list.....	do.....	Implicit in the FCC's statutory authority under title III of the Communications Act.
G. Aviation radio service list.....	do.....	Same as F.
H. Restricted and commercial operator permits list.....	do.....	Do.
I. Amateur radio service list.....	do.....	Do.
J. Marine radio service list.....	do.....	Do.
K. Citizens radio service list.....	do.....	Do.
L. FCC checklist.....	do.....	Do.

¹ All section references in table 1 are to the Communications Act unless otherwise stated.

B. Subject Notification and Access

Although subjects are not expressly notified of their inclusion in the FCC data banks, in most instances they would be aware that a

file is maintained on them because in most instances they provide information to the Commission on applications. In all cases subjects are permitted to review the information maintained by the FCC, and although no formal procedures for supplementation exist, the Commission will consider new information which supplements, explains or rebuts information in the data system. In addition, agency personnel are responsible for the accuracy of the records.

C. Access by Other Agencies

Information on public and agency access is presented below in Table 2. The agency indicated in its response that the FCC data banks are not interfaced with those of any other agency.

D. Public Access

Information on public and agency access is presented below in Table 2.

TABLE 2—PUBLIC AND AGENCY ACCESS

Data bank	(1) Agencies have limited access to information in FCC data bank	(2) Information available to agencies upon request	(3) Information available to the public	(4) Miscellaneous
A. Personnel Inventory Master File.....	X ¹			
B. Payroll Master File.....		X		
C. Political Broadcasting by Candidates.....			X	
D. Broadcast Individual Ownership Master File.....		X		
E. Broadcast Financial Data.....	X			
F. Broadcast Station List.....		X		
G. Aviation Radio Service List.....			X	
H. Restricted and Commercial Operator Permits List.....			X	
I. Amateur Radio Service List.....			X	
J. Marine Radio Service List.....			X	
K. Citizens Radio Service List.....			X	
L. FCC Checklist.....				X ²

¹ Civil Service Commission has access to information in the personnel inventory master file. Other agencies have access in accordance with CSC regulations.

² Information in the FCC checklist data bank is normally not available to other agencies except as to those names another agency may have itself supplied.

E. Security Precautions

The FCC does not enumerate the specific measures taken to prevent unauthorized access to its data banks, but it did indicate that the same security procedures are followed for the data files as are followed for other Commission records and business premises.

F. Sources of Information

The information in the FCC's data banks, with a few exceptions, is collected from the individual subject or licensee. In addition to information collected from the individual, the Personnel Inventory Master File contains information from other sources within the Commission. The information in the Payroll Master Record is collected from the Commission's Payroll Section.

The information in the FCC Checklist data bank is collected from the following sources: Commission officials supply names for such reasons as license revocation, failure to pay forfeitures, issuance of a bad check to the Commission and stopping payment on a check to the Commission; the FBI supplies information from the "FBI Withhold List," which contains the names of individuals and organizations which are allegedly subversive; the Department of Justice

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supplies the Commission with the "Organized Crime and Racketeering List," which contains the names of individuals who are or have been subjects of investigations in connection with activities identified with organized crime; also included are names supplied by the IRS, CIA, and House Committee on Internal Security. ★

IV. Evaluation

There are several aspects of the FCC data system which deserve attention. First, the agency does not expressly notify the individual subject or licensee of his inclusion in a data bank. While some subjects may be aware of their inclusion through dealings with the agency (e.g., applications and other forms submitted to the agency), others who haven't any contact with the Commission receive no notice whatsoever. Second, the Commission maintains highly sensitive information, particularly in the FCC Checklist data bank, which, if released to unauthorized persons, may be detrimental to the subject. Stringent security precautions are essential to prevent such unauthorized disclosure. Finally, there is no express statutory authority for the creation of the FCC Checklist data bank which, as previously indicated, contains information of a highly sensitive nature.

Agency Response

On December 14, 1970 the subcommittee requested that the Federal Communications Commission respond to the three introductory questions and the standard questionnaire. (See inside back cover.) The Federal Communications Commission's responses of March 25, 1971 and March 1, 1973 appear below.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., March 25, 1971.

HON. SAM J. ERVIN, Jr.,
U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: This is in response to your letter dated December 14, 1970, concerning a government-wide survey of federally-administered or federally-sponsored data banks containing personal information about individuals for statistical, administrative or intelligence purposes.

We are enclosing an October 1968 booklet (Enclosure 1) describing the FCC computer program and history. [Omitted.] The booklet sets forth current programs as well as proposed programs, many of which are technical and engineering matters which do not appear germane to your inquiry. Listed below are data banks which do appear to be responsive to your request for information. Each item indicates whether or not it is available for public inspection as well as if we are able to furnish a sample of the type of information stored.

ALPHABETICAL ROSTER OF ALL FCC EMPLOYEES

Sample Printout and Schedule of Printouts with descriptions [list of contents included—Attachment 1]. Roster contains approximately 1,550 persons currently employed by the Commission. Personal data associated with each employee are not routinely available for public inspection.

PAYROLL MASTER RECORD OF ALL FCC EMPLOYEES

List of the information contained therein [Attachment 2]. Payroll record contains approximately 1,550 persons. Data are not routinely available for public inspection.

POLITICAL BROADCASTING BY CANDIDATES

List of information concerning Campaign 1970 for all Senatorial, Congressional, Gubernatorial, and Lieutenant Gubernatorial Races including Primaries [Attachments 3, 4, and 5]. The amount spent by each candidate at each station for

broadcast time as well as the amount of time that was made available without charge. The data is now being edited and tabulated for inclusion in the computer. The Commission will publish a Political Broadcasting Report, as is its usual practice. The information obtained is considered public.

BROADCAST INDIVIDUAL OWNERSHIP MASTER FILE

Sample Printout and listing of information included. [List of contents included—Attachment 6.] Such information as stockholdings, how much, type par or stated value, whether officer, director, or trustee, relationship among stockholders. The information furnished by our licensees is considered public.

BROADCAST FINANCIAL DATA

Sample Printout with figures deleted: FCC TV Broadcast Financial Data Report—dated July 24, 1970, FCC-AM, FM Broadcast Financial Data Report—dated December 14, 1970. [Omitted.] The data for individual stations are furnished on a confidential basis and are not routinely available for public inspection. The two public reports released by the Commission are summaries and consolidations of the data filed with the Commission.

BROADCAST STATION LIST

Sample Printout and FCC Forms 301 and 303 for new and renewal applications which show information provided by applicant. [Omitted.] The information received is considered public.

AVIATION RADIO SERVICE LIST

Sample printout showing FAA number, number of aircraft, applicant's name and address. [Omitted.] The information is furnished by the applicant and is considered public.

RESTRICTED AND COMMERCIAL OPERATOR PERMITS LIST

Sample printout, and listings showing name and date of birth data, which are supplied by the applicant, are public. [List of contents included—Attachments 7 and 8.]

AMATEUR RADIO SERVICE

Sample printout and listing showing information submitted by the applicant, all of which is public. [List of contents included—Attachment 9.]

MARINE RADIO SERVICE

Sample printout, and listing showing vessel name, treasury number, applicant's name and address, radio frequencies, type of transmitter. [List of contents included—Attachment 10.] All the information is public.

CITIZENS RADIO SERVICE

Sample printout, and listing containing public information furnished by the individual applicant. [List of contents included—Attachment 11.]

FCC CHECK LIST

Listing showing name, address, and date of birth, if known. [List of contents included—Attachment 12.] Some data furnished on confidential basis from Department of Justice. The information is not available to the public, and it can be released only by the Department of Justice.

AUTHORIZED STATION COUNT DATED NOVEMBER 30, 1970

This enclosure indicates the numbers involved in the services listed above. [Omitted.]

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COMMISSION ORDER RELEASED FEBRUARY 2, 1971, ESTABLISHING A SPECTRUM
MANAGEMENT TASK FORCE

The Task Force is preparing to send out specifications for a computer to be used in the Chicago Regional Center. [Copy of Order omitted.]

COPY OF COMMISSION RULES RELATING TO PUBLIC INFORMATION AND INSPECTION
OF RECORDS

(47 CFR § 0.441 through § 0.465)

The Rules indicate the extent of public information, as well as the procedures to be followed to obtain records not routinely available for public inspection. [Copy of Rules omitted.]

It may be well to include some additional information with respect to the FCC Check List, which has approximately 10,900 names. The Commission's Check List, in the form of a computer printout, is circulated to the various Bureaus within the Commission; it contains the names and addresses of organizations and individuals whose qualifications are believed to require close examination in the event they apply for a Commission license. A name may be put on the list by Commission personnel for a variety of reasons, such as a refusal to pay an outstanding forfeiture, unlicensed operation, license suspension, the issuance of a bad check to the Commission or stopping payment on a fee check after failing a Commission examination.

In addition, this list incorporates the names and addresses of individuals and organizations appearing in several lists prepared by the Department of Justice, other Government agencies, and Congressional committees. For example, the list contains information from the "FBI Withhold List," which contains the names of individuals or organizations which are allegedly subversive, and from the Department of Justice's "Organized Crime and Racketeering List," which contains the names of individuals who are or have been subjects of investigation in connection with activities identified with organized crime. Also included in the list are names obtained from other Government sources, such as the IRS, CIA, and the House Committee on Internal Security. The information furnished by the Department of Justice has been used since about 1964. The use of the data arose because during the course of Senate hearings chaired by Senator McClellan¹ it was discovered that a reputed racketeering boss in New Orleans, Louisiana, Carlos Marcello, in an alleged partnership with his brother, held a Commission license. In order that such licensing not take place in the future, the Commission established liaison with the responsible divisions within the Department of Justice to be kept current on persons who might have such affiliations.

With respect to the Spectrum Management Task Force, the results of a major study for the Commission by Stanford Research Institute concerning Land Mobile Spectrum Utilization (supported by conclusions and recommendations of the President's Task Force on Telecommunications Policy and a report by the Joint Technical Advisory Committee on Spectrum Engineering) indicate that more effective utilization of the spectrum can be obtained by introducing systems engineering concepts and by decentralized or regional frequency management, which recognizes that each area has unique economic, social, demographic and other factors which must be considered in making frequency assignments. Under this approach, regional spectrum management centers will have the capability of monitoring actual channel occupancy and, through a computerized system with a comprehensive data base, assigning the most useful frequencies to Commission licensees.

As can be seen from Enclosure 16 [omitted], the Commission has a method by which information can be obtained, as well as the necessary safeguards before nonpublic information is released. A record is kept by the Executive Director of requests for such information, and whether they are either denied or granted.

It is hoped that the information and data accompanying the sixteen enclosures will prove to be helpful to you.

Sincerely,

DEAN BURCH,
Chairman.

¹ Permanent Subcommittee on Investigations—Committee on Government Operations, 88th Congress 1st and 2d Sessions—1964.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., March 1, 1973.

HON. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights,
U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: Pursuant to the request of Mr. Lawrence Baskir, Chief Counsel of the Subcommittee, we are pleased to provide the additional information included herein to supplement our letter of March 25, 1971, in regard to the Subcommittee's survey of federally administered or federally sponsored data banks containing personal information about individuals for statistical, administrative or intelligence purposes. As we indicated in our earlier response, much of the Commission's data processing program involves technical and engineering matters which are not germane to your inquiry. However, we have attempted herein to provide information which will answer each question presented in your original request of December 14, 1970, as fully as possible with regard to each data bank.

Listed below are data banks maintained by the Commission which contain information on individuals. Several of the questions raised in your earlier request result in the same answer for each data bank, and therefore these are answered at the end and apply to all of the relevant data banks maintained by the Commission. The sample print-outs which were supplied with our earlier response have not changed in any significant way and we have therefore not included such samples here. The numbered answers which follow correspond to the nineteen numbered questions raised in your original request.

A. Personnel inventory master file

(1) This data bank contains general personnel information on each current employee of the Commission. In addition to such basic information as name, address and date of birth, it includes such things as dates of service with the FCC, pay plan and occupation code, current grade level and assignment within the Commission, basic educational background, previous work experience, awards and training in Government service. There are approximately 1600 individuals in this data bank.

(2) The data bank was established for the purpose of increasing the efficiency of the Commission's personnel management and to make basic personnel information more readily available. The information in the data bank is extracted from Official Personnel folders maintained for each Commission employee pursuant to Executive Order 10561, September 13, 1954, 19 F.R. 5963, which are under the jurisdiction and control, and are a part of the records, of the U.S. Civil Service Commission.

(3) No. The information in this data bank is not routinely available for use by state officials or private individuals.

(6) The system is used by Commission personnel for general administrative and record keeping purposes and for such things as preparation of periodic Commission personnel reports for Congress and for other agencies such as OMB and CSC.

(8) There is no data regarding an individual's personal life, personality or habits. There is data on an individual's background such as education and employment experience. (See sample print-out in our earlier letter.) [Omitted.]

(10-A) No.

(B) The individual may review, supplement, explain or rebut material contained in his own personnel file. All information in the data bank is taken from the individual file. Any changes in the file would result in changes in the material in the data bank.

(11) The information is not routinely available to the public. It is available to Commission employees within the scope of their duties, e.g., employees in the Personnel Division. The extent to which such information will otherwise be made available is governed by CSC regulations, 5 CFR 294.701-294.703, and Commission Rules, 47 CFR Part O, Subpart C.

(12) No.

(13) Information is primarily collected from the individual. Additional areas of information are provided during the course of his employment from various sections of the Commission, e.g., training completed, promotions, awards received, etc.

(14) Director of Personnel. No formal procedures have been established.

(15) CSC has access to and use of such records. Other agencies may have access and use according to CSC regulations.

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B. Payroll master record

- (1) This data bank contains basic payroll information for each employee—approximately 1600 individuals.
- (2) It was established for the purpose of maintaining accurate, up-to-date, readily available information on individual and gross payroll accounts of the Commission.
- (3) No. Information in this data bank is not routinely available to state officials or private individuals.
- (6) The system is utilized primarily by Commission officials for review of Commission fiscal policies and for such things as preparation of the budget. The system may be used by other agencies, however such use would normally involve aggregate figures supplied by the data program rather than figures for individuals.
- (8) None.
- (10-A) No.
- (B) The employee receives a copy of all data, with regard to him, which are entered in the data bank. He is of course allowed to rebut inaccurate material.
- (11) Data are not available to the public except under the provisions of Section 0.461 of the Commission Rules, 47 CFR 0.461.
- (12) No.
- (13) Information is supplied by the Commission's Payroll Section.
- (14) Chief, Finance Branch and Chief, Payroll Section. No formal procedures have been established to delete inaccurate or inappropriate information.
- (15) Other federal agencies may have access to or use of the information upon reasonable request.

C. Political broadcasting by candidates

- (1) This data bank contains information concerning the most recent political campaign election year, in this case 1972, and includes information on all Presidential, Senatorial, Congressional, Gubernatorial, and Lieutenant Gubernatorial races, including primaries. Information includes amount spent by each candidate at each station for broadcast time as well as the amount of time that was made available without charge.
- (2) The data bank was established to facilitate the Commission's regulatory authority over political broadcasting as set out in Section 315 of the Communications Act and in the Federal Election Campaign Act of 1971.
- (3) No.
- (6) The information obtained is considered public. Data provided by the computer analysis of the information fed into it are used by the Commission in publishing a Political Broadcasting Report.
- (8) None.
- (10-A) No.
- (B) Since the information is public it may be reviewed by the individual. No formal procedures have been established for supplementing, explaining or rebutting the information although the Commission would of course consider any such challenges since the intent of this data bank is to provide as accurate a picture as possible of political broadcasting during the campaign.
- (11) The information is available to the public.
- (12) No.
- (13) Information is supplied on FCC Form 322 by each television and radio broadcast station licensed by the Commission. (A copy of FCC Form 322 was included in our earlier response.) [Attachment 5]
- (14) The Chief of the Broadcast Bureau is directly responsible for the accuracy of the information. No formal procedures have been established for deleting inaccurate information.
- (15) The information is available to the public.

D. Broadcast individual ownership master file

- (1) This data bank contains information on persons having ownership interests in television and radio broadcast stations. Information is limited to interests in broadcast stations and includes such information as extent of stockholdings, type of stock, par or stated value, whether officer, director, or trustee, and relationship among stockholders.
- (2) Establishment of this data bank was based on the Commission's statutory authority under various provisions of the Communications Act, e.g., Section 307(b) requiring the Commission to consider ownership qualifications of applicants for licenses or modifications or renewals thereof and Section 310 placing certain limitations on alien ownership interests. It was necessary to establish a data bank such as this to provide the Commission with necessary information to make such determinations.

- (3) No. The information is available to the public.
- (6) Information is used by Commission officials to determine if licensees are operating in compliance with provisions of the Act, Commission regulation and Commission policies with regard to broadcast station ownership. Since the information is available to the public it may be used by other persons and agencies for whatever purpose they desire.
- (8) None.
- (10-A) No.
- (B) Since the information is public an individual would of course be allowed to review the data. Although no formal procedures are involved, he could, on an informal basis explain or rebut inaccurate information.
- (11) The information is available to the public pursuant to the provisions of the Public Information Act, 5 U.S.C. 552, for any purpose.
- (12) No.
- (13) Information is collected from individual station licensees.
- (14) Primary responsibility is with the Chief of the Commission's Broadcast Bureau. No formal procedures have been established for deleting inaccurate or inappropriate information, however since the information is supplied solely by the licensees, any corrections or deletions can be made on an informal basis.
- (15) Any member of the public and any other agency may have access to and use of information in the data bank.

E. Broadcast financial data

- (1) This data bank contains financial information on networks and broadcast stations. The information is limited solely to the operations of the station and relates to an individual only to the extent that his ownership in the station could be related to the station's financial situation. (See sample printout attached to earlier response.) [omitted]
- (2) This data system was established in furtherance of the Commission's statutory responsibility under Section 308(b) of the Communications Act to consider financial qualifications in modifying and renewing licenses and under its more general obligation under Section 307(d) to renew a license only upon a finding that the public interest will be served thereby.
- (3) The information is not routinely available to state officials or private individuals except by way of summaries and consolidations in the form of public reports which do not identify individuals or stations.
- (6) The primary use of this system is to provide basic information to the Commission in making determinations such as those indicated in Question 3 above.
- (8) None.
- (10-A) No.
- (B) All of the information in this data bank is supplied by the licensee and although no formal procedures have been established the Commission would of course consider any supplementation or explanation of inaccurate information contained in the data bank.
- (11) Public reports are available to anyone. Data for individual stations is not routinely available to the public, however it may be made available on an individual basis under the provisions of § 0.461 of the Commission's Rules which has been adopted pursuant to the Public Information Act. Such data has, for example, been made available to a petitioner to deny a license renewal.
- (12) No.
- (13) Information is collected entirely from individual station licensees.
- (14) The Chief of the Broadcast Bureau has primary responsibility for determining the accuracy of the information. There are no formal provisions for deleting inaccurate or inappropriate information, however in view of the fact that the information is collected solely from the station, it would be allowed to amend its report.
- (15) Other federal agencies may have access to and use of the information upon request within the scope of their duties.

F. Broadcast station list

- (1) This data bank contains information supplied by applicants for new licenses and renewal of licenses for radio and television broadcast stations.
- (2) This data bank was established in furtherance of the Commission's responsibilities under Title III of the Communications Act to make various public interest findings before granting or renewing a radio station license.
- (3) No.

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(6) This system is used primarily for record keeping purposes to provide rapid access to basic data on broadcast licensees. The information is considered public and is available to any individual or agency.

(8) None.

(10-A) No.

(B) Data is supplied by applicant and he may of course supplement his file or amend his applications.

(11) The information is available to the public pursuant to the provision of the Public Information Act, 5 U.S.C. 552.

(12) No.

(13) The information is supplied by the applicant on FCC Forms 301 (new) and 303 (renewal) (copies enclosed in our earlier response). [Omitted.]

(14) Primary responsibility rests with the Chief of the Broadcast Bureau. No specific provisions have been established for deleting inaccurate or inappropriate information in view of the fact that the information is supplied by the applicant.

(15) The information is public and is available to any other agency.

G. Aviation radio service list

H. Restricted and commercial operator permits list

I. Amateur radio service list

J. Marine radio service list

K. Citizens radio service list

(1) These five data banks contain basic record-keeping information on persons holding operator permits and on licensees in these four radio services. The information is limited generally to name, address, and assigned call numbers. Some special information is also included, e.g., in the Aviation List the FAA number and number of aircraft and in the Marine list the Treasury number, vessel name and type of transmitter.

(2) These data banks were established under the Commission's General authority and responsibility to regulate radio communications under Title III of the Communications Act. The primary purpose was simply to provide accurate and efficient records of Commission licensees.

(3) No.

(6) The data banks serve primarily a record-keeping function within the Commission allowing for rapid updating as licensees are added and removed, as mailing lists for Commission notices and orders, and for statistical and planning purposes. Since the information is available to the public it may be used for any purpose.

(8) None.

(10-A) No.

(B) The information is supplied by the individual and may be supplemented or amended by him as necessary.

(11) The information is available to the public for any purpose pursuant to the Public Information Act.

(12) No.

(13) Information is collected solely from the individuals in the data bank.

(14) Primary responsibility rests with the Chief of the Commission's Safety and Special Radio Services Bureau. No specific procedures have been established for deleting inaccurate or inappropriate information since all information is supplied by the individual concerned.

(15) The information in all of these five data banks is available to the public.

L. FCC checklist

(1) The data bank contains name, address and date of birth of individuals plus a code indicating why their name appears on the list. Persons may be placed on the list for a number of reasons including failure to pay a Commission forfeiture, license revocation, issuance of a bad check to the Commission or stopping payment on a check to the Commission, and in addition names are supplied by the FBI, the Department of Justice and other agencies as explained further in the following questions. The names of approximately 12,000 individuals and organizations are contained in this data bank.

(2) The system was established for the purpose of assisting the Commission in carrying out its statutory responsibilities under Title III of the Communications Act to consider the qualifications of applicants for licenses and grant only those which serve the public interest.

(3) No. In its form as a data bank, the information is not available for use by state officials or private individuals, but some of the individual items of information are otherwise publicly available, e.g. a license revocation or failure to pay a forfeiture.

(6) An applicant applying for a Commission license is compared to this data bank to determine if his name appears therein. The use of the checklist is solely to "flag" those applications in which there is information concerning the applicant which may warrant further scrutiny. No action, adverse or otherwise, is taken simply as a result of the fact that the applicant's name appears on the checklist without this further scrutiny. The system is used by the staff units of various Commission bureaus engaged in the processing of such applications.

(8) No.

(10-A) No.

(B) If an individual whose name is on the checklist applies for a Commission license, the information underlying the listing is scrutinized, and if any substantial questions as to licensee qualifications are raised, the applicant is informed of them and given the opportunity to supplement, explain or rebut any information which raises such questions.

(11) The data are made available only to a specified list of persons within the Commission who have need for it within the scope of their duties for the purposes noted above. Further, information supplied by other agencies (see Question 13) may not be made available without the consent of that agency.

(12) No. However, a record is kept of those individuals who receive copies of the list.

(13) The information is collected from various sources. Various Commission officials supply names for such reasons as license revocation, failure to pay forfeitures and others mentioned in Question 1. In addition, information is supplied from the "FBI Withhold List," which contains the names of individuals and organizations which are allegedly subversive, and from the Department of Justice's "Organized Crime and Racketeering List," which contains the names of individuals who are or have been subjects of investigation in connection with activities identified with organized crime. Also included are names obtained from other government sources such as the IRS, CIA, and the House Committee on Internal Security. ★

(14) The Bureau processing a particular application is initially responsible for determining the accuracy of the information underlying the listing of the particular applicant. The listing serves only to "flag" those applicants concerning whom there is further information which must be scrutinized before the application can be granted. Each bureau within the Commission which is responsible for listing individuals periodically reviews the listings, as do other agencies for their respective listings. Further, the individual file upon which the listing is based will reflect any determination as to the relevancy, accuracy or propriety of any information underlying the listing.

(15) The data bank itself is normally not available to other agencies except as to those names another agency may have itself supplied. Information upon which the data bank is based may be made available if it is otherwise public information, e.g. license revocation.

The answers to the following questions apply to each data bank listed above:

(4) All of the Commission's data processing programs are done on a Univac III first generation computer using punch card and tape input. There are no provisions for interfacing with other computers or interconnection of remote access terminals. All data output is supplied in print-out form.

(5) The Commission's present plans call for installation of third generation computer capability in FY 75 which will provide more sophisticated data systems including such things as centralized application processing system and a centralized station reporting system. Other applications of the increased data processing capabilities including interfacing and remote terminal access are in preliminary stages of investigation at this time.

(7) The primary advantages of the Commission's limited data storage and processing programs are mainly in increased efficiency in and access to record keeping functions of the system. A much more detailed analysis of records is of course available (e.g. information can be based on geographical location, station call sign, class of station, class of license, name of licensee, etc.), however, the Commission's current first-generation capability allows for very limited correlation and common storage among various programs.

(9) The Commission has not developed such guidelines directed specifically toward data processing information, however, Commission rules adopted pursuant to the Public Information Act would govern disclosure and distribution of data to other agencies. (Copies of these rules, 47 CFR Part O, Subpart C, were supplied in our earlier response.) [Omitted.]

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(16) The Commission's present computer system does not provide for use of any type of interconnection with another system. Copies of certain Commission data storage tapes, those containing only public information, may be purchased by the public from the National Technical Information Service.

(17) The same security procedures are followed in regard to the Commission's data files as with regard to security of other Commission records and business premises.

(18) There are currently no formal arrangements with any Congressional Committees, however the Commission's data processing program is generally presented in the context of budgetary requests and the accompanying documentation.

(19) The only relevant Commission data bank which has been specifically discussed before another Congressional Committee is the Check List which was discussed before the House Subcommittee on Foreign Operations and Government Information on March 28, 1972. Enclosed is a copy of the Commission's General Counsel's statement before that Subcommittee. [Attachment 13.]

I hope that the foregoing information will prove helpful to you. If we can be of additional assistance to you or to the Subcommittee, please do not hesitate to call on us.

Sincerely,

DEAN BURCH,

Chairman

Enclosure.

Attachments

The following attachments enclosed in the Federal Communications Commission's responses appear below:

1. System Outputs
2. Payroll Master Record
3. Political Broadcast System
4. Additional Instruction for 1970 Political Broadcasting Report
5. Political Broadcasting/Cablecasting Report (FCC Form 322)
6. Ownership Master File
7. Restricted Operator Master File Item
8. Commercial Operator Master File Item
9. Amateur Station Master File
10. Marine Master Record
11. Citizens Station Master File—Call Sequence
12. FCC Checklist File
13. Statement of John W. Pettit

ATTACHMENT 1

SYSTEM OUTPUTS

A. REGULARLY SCHEDULED PRINTOUTS

1. *Title:* Alphabetical Roster of all F.C.C. Employees with all Inventory Data.
Sequence: Employee name.
Items: Include all items in the inventory in the order on the records.
Print columnar headings.
Frequency: Monthly.
2. *Title:* Grade Roster (all FCC employees).
Sequence: By Grade from highest to lowest and alphabetically by name within grade—space between grades.
Items: Include social security number, sex, date of birth, pay plan, occupational code, grade and organization. Print columnar headings for these items.
Frequency: Monthly.
3. *Title:* Occupational Code Roster of all FCC Employees.
Sequence: Occupational code in ascending order and grade in descending order from highest to lowest grade. Space or paragraph between codes and print codes as paragraph headings.
Items: Include name, pay plan, occupational code, grade, organization, and date of birth. Print columnar headings for these items.
Frequency: Monthly.